IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 35165 of 2005(J)

PETITIONER:

P.V.THANKAMMA, W/O.C.K.SUKUMARAN,
AGED 71 YEARS, OALICKAL VEEDU, VALLYANI,
KUMBALAPOIKA P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.DEVIDAS.U.K

RESPONDENTS:

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1. THE SUB TREASURY OFFICER,
SUB TREASURY, PATHANAMTHITTA.

2. THE DIRECTOR OF TREASURIES,
THIRUVANANTHAPURAM.

Add. R3. P.V.RETNAMMA, W/O SOMARAJAN
SREESAILAM, PARIYARAM, NELLIKALA-P.O.
ELANTHOOR VILLAGE, PATHANAMTHITTA DISTRICT.

(Impleaded as additional respondent no.3 as per order dated 24-2-2006 in I.A.1988/06)

BY GOVERNMENT PLEADER SRI.N.SUDHADEVI
SRI.R.PADMAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON 08/01/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the succession certificate dated 14-02-2005.

Ext.P2: True copy of the application dated 29-7-2005 to the 1st respondent.

Ext.P3: True copy of the letter dated 30-7-2005 send by the 1st respondent to the 2nd respondent.

Ext.P4: True copy of the reminder letter dated 5-11-2005 send by the petitioner to the 1st respondent.

Ext.P5: True copy of the letter dated 9-11-2005 send by the 1st respondent to the 2nd petitioner.

// True copy //

P.A.to Judge

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C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.35165 OF 2005

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Dated this the 8th day of January 2007

JUDGMENT

Prayer in the writ petition is for direction to first respondent to release 50% of the deposits held in the name of two deceased persons to petitioner in terms of Ext.P1 succession certificate issued by the Munsiff Court. Government Pleader submitted that the deceased depositor had nominated the additional 3rd respondent for receiving the deposit amount and the treasury rules permit release of payment to the nominee. However, it is seen that the very same deposit amount was subject matter of succession certificate and civil court after hearing both sides issued succession certificate which authorises petitioner to receive 50% of the amount on behalf of herself and her sister the said P.V.Sumathy.

2. In the circumstances, writ petition is disposed of directing the first respondent to release 50% of the payment from out of deposit amount and accrued interest thereon to the petitioner in terms of Ext.P1 succession certificate on petitioner producing original succession certificate before the first

respondent. However, if respondents have produced any order from the civil court in modification of the succession certificate, then first respondent will follow such orders. Since the original receipt is held with the first respondent, there is no need for petitioner to produce the original receipt but payment should be made through account by cheque and on petitioner producing her identity. Payment should be made within a week from the date of production of a copy of this judgment.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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